

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

<i>In re</i> Application of:)	Examiner: J. Sitton
)	
Jing Li <i>et al.</i>)	Confirmation No. 2334
)	
Application No.: 10/073,123)	Group Art No. 1634
)	
Filed: February 12, 2002)	Atty. Docket No. 006539.00046
For: AMPLIFIED CANCER GENE WIP1		

RESPONSE TO NOTICE OF NON-COMPLIANT AMENDMENT

U.S. Patent and Trademark Office
Randolph Building
401 Dulany Street
Alexandria, VA 22314

Sir:

This paper responds to the Notice of Non-Compliant Amendment mailed December 7, 2007. We believe no fee is due; charge our Deposit Account No. 19-0733 if this is incorrect.

The Notice states that the amendment filed July 17, 2007 was non-compliant because “the claims do not properly reflect changes in text.” At the time the July 17, 2007 amendment was filed, claims 1, 3, 54, 56-59, and 61-63 were pending. The July 17, 2007 amendment canceled claims 54 and 56 and made no changes to claims 3, 57, 58, 59, or 61-63. The only claim that was amended was claim 1.

Claim 1 as amended July 17, 2007 accurately reflects changes made to claim 1 as it was last amended January 25, 2007. See the comparison in the table below.

<p>marked-up copy of claim 1 as amended January 25, 2007</p> <p>A method for diagnosing a<u>breast cancer</u> in a human, comprising:</p> <p>detecting and measuring gene copy number of a WIP1 gene having a nucleotide sequence of nucleotides 1-1818 of SEQ ID NO.1 or of nucleotides 1-2972 of SEQ ID NO.2 in a breast tissue of a<u>tissue</u> sample from the human that is suspected to be cancerous<u>cancerous</u>; thereby generating data for a test gene copy number; and</p> <p>comparing the test gene copy number to data for a control gene copy number,</p> <p>wherein an amplification of the gene in the breast tissue of a<u>tissue</u> sample relative to the control indicates the presence of a<u>a breast cancer</u> in the human.</p>	<p>clean copy of claim 1 as amended January 25, 2007</p> <p>A method for diagnosing a breast cancer in a human, comprising:</p> <p>detecting and measuring gene copy number of a WIP1 gene in a breast tissue sample from the human that is suspected to be cancerous, thereby generating data for a test gene copy number; and</p> <p>comparing the test gene copy number to data for a control gene copy number,</p> <p>wherein an amplification of the gene in the breast tissue sample relative to the control indicates the presence of a breast cancer in the human.</p>	<p>claim 1 as amended July 17, 2007</p> <p>A method for diagnosing a breast cancer in a human, comprising:</p> <p>detecting and measuring gene copy number of a WIP1 gene in a breast tissue sample from the human that is suspected to be cancerous, thereby generating data for a test gene copy number; and</p> <p>comparing the test gene copy number to data for a <u>WIP1</u> control gene copy number to detect <u>WIP1</u> gene amplification; and</p> <p><u>identifying the breast tissue sample as cancerous if there is wherein an amplification of the WIP1 gene in the breast tissue sample relative to the control indicates the presence of a breast cancer in the human.</u></p>
---	---	--

If the Office still contends that the amendments to claim 1 do not properly reflect changes to the text, please explicitly point out the requested changes in the next Office Action.

Respectfully submitted,
BANNER & WITCOFF, LTD.

Dated: December 30, 2007

By: /Lisa M. Hemmendinger/
Lisa M. Hemmendinger
Registration No. 42,653

Customer No. 22907